IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

RP.No. 566 of 2007()

AGAINST THE JUDGEMENT/ORDER IN CRP.170/2007 Dated 30/05/2007
OS.37/2002 of SUB COURT,THODUPUZHA
(EP. 83 /2004)
.....

REVIEW PETITIONER:RESPONDENT/JUDGMENT DEBTOR:

RELEEFFA, W/O.FIROZKHAN,
ANTHEENATTU HOUSE, OLAMATTOM KARA, THODUPUZHA.

BY ADV. SRI.T.KRISHNANUNNI

RESPONDENT: REVISION PETITIONER/ DECREE HOLDER:

P.V.GEORGE, S/O.VARGHESE,
PALLIKUNNEL HOUSE, EZHUMUTTOM KARA,
KARIMANNOOR VILLAGE, THODUPUZHA TALUK.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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R.P. No.566 OF 2007 in CRP.No.170/2007

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Dated this the 28th day of September 2007

ORDER

This review petition is filed to set aside the order dated 30.5.2007 in C.R.P.No.170 of 2007 passed by me . Learned counsel for the review petitioner submits before me that the interpretation of the compromise petition given by this court is not correct and the court should have seen without getting back the property, there cannot be any execution of the decree as incorporated in the decree. Order 47 Rule 1 envisages a situation of review when there is an error apparent on the face of the record or that the review petitioner, in spite of due diligence could not produce materials or for any other sufficient reasons. This court, after considering the compromise petition and the decree had taken the view that the decree is executable and further riders cannot be put in for execution of the decree. The interpretation is done by this court and if there is any grievance for any party, their proper remedy is not to ask the court again to reinterpret the document. If such pleas are entertained, there will not be any end to the civil litigation. If a person is aggrieved and is of the view that the

interpretation done by the court is erroneous he has to pursue his remedies before the appellate forum or before the appropriate forum as the case may be. I had been taken through paragraph 3 of the plaint and other averments and would contend before me that the respondent has indiscriminately handed over possession to other person and until and unless he gets back possession, the decree shall not be permitted to be executed. There is clause (5) which deals with the power to collect rent from the tenants. If, really, there had been an agreement between the parties that the amount can be returned only after evicting the tenants being a very important question that would have found a place in the document itself, i.e. the compromise petition. Now, without resorting to such a recital at the time of compromise now attempting to render that by referring to the plaint, I am of the view that it shall not be done at this stage.

Therefore Review petition lacks merit and the same is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-